

CHAPTER 9 HARNESS RACING

[Prior to 11/9/86, Racing Commission[693]]
[Prior to 11/18/87, Racing and Gaming Division[195]]

491—9.1(99D) Terms defined. As used in these rules, unless the context otherwise requires, the following definitions apply:

“Also eligible” means a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or the next preferred nonqualifier for the finals or consolation from a set of elimination trials, which will become eligible in the event a finalist is scratched by the stewards for a rule violation; or is otherwise eligible if written race conditions permit.

“Arrears” means all moneys owed by a licensee, including subscriptions, forfeitures, and any other payment and default incident to these rules.

“Authorized agent” means a person licensed by the commission as an agent for a horse owner or principal by virtue of a notarized appointment. The agent shall be designated on a form approved by the commission and filed by the owner or principal with the commission authorizing the agent to handle matters pertaining to racing and stabling, including authorization to claim and to withdraw money from the horsemen’s bookkeeper.

“Bleeder” means a horse that hemorrhages from within the respiratory tract during a race or within one and one-half hours postrace, during exercise or within one and one-half hours of exercise.

“Bleeder list” means a tabulation of all bleeders to be maintained by the commission.

“Chemist” means any official racing chemist designated by the commission.

“Claiming race” means a race which includes a condition that any horse starting the race may be claimed and purchased by any licensed owner, or person(s) approved by the commission for an owner’s license, for the designated amount specified in the conditions for that race by the racing secretary.

“Commission” means the Iowa racing and gaming commission.

“Conditioned race” means any overnight event to which eligibility is determined according to specified qualifications.

“Conditions” means qualifications that determine a horse’s eligibility to be entered in a race.

“Contest” means a competitive racing event on which pari-mutuel wagering is conducted.

“Contestant” means an individual participant in a contest.

“Coupled entry” means two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (See also “Entry.”)

“C.T.A.” means Canadian Trotting Association.

“Dash” means a race decided in a single trial. Dashes may be given in a series of two or three governed by one entry fee for the series, in which event a horse must start in all dashes. Positions may be drawn for each dash. The number of premiums awarded shall not exceed the number of starters in the dash.

“Day” means a 24-hour period ending at midnight.

“Declaration” means the naming of a particular horse into a particular race.

“Detention barn” means the barn designated for the collection from horses of test samples under the supervision of the commission veterinarian; also, the barn assigned by the commission to a horse on the bleeder list for occupancy as a prerequisite for receiving bleeder medication.

“Driver” means a person licensed to drive in races as a driver.

“Early closing race” means a race for a definite amount, to which entries close at least six weeks preceding the race. The entrance fee may be on the installment plan and no payment shall be refunded.

“Elimination heats” means the individual heats of a race in which the contestants must qualify for a final heat.

“Entry” means a horse made eligible to run in a race; or two or more horses, entered in the same race, which have common ties of ownership, lease, or training. (See also “Coupled entry.”)

“Facility” means an entity licensed by the commission to conduct pari-mutuel wagering or gaming operations in Iowa.

“Facility premises” means all real property utilized by the facility in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stables area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission.

“Foreign substances” means all substances except those that exist naturally in the untreated horse at normal physiological concentration.

“Futurity” means a stake in which the dam of the competing animal is nominated either when in foal or during the year of foaling.

“Handicap” means a race in which allowance for performance, sex, or distance is made. Post positions for a handicap may be assigned by the racing secretary. Post positions in a handicap claiming race may be determined by claiming price.

“Heat” means a single trial in a race, two in three, or three heat plan.

“Horse” means any equine, including equine designated as a mare, filly, stallion, colt, ridgling or gelding, registered for racing.

“Late closing race” means a race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

“Licensee” means any person or entity licensed by the commission to engage in racing or related regulated activity.

“Matinee race” means a race in which an entrance fee may be charged and the premiums, if any, are other than money.

“Meeting” means the specified period and dates each year during which a facility is authorized by the commission to conduct pari-mutuel wagering.

“Month” means a calendar month.

“Nomination” means the naming of a horse or, in the event of a futurity, the naming of a foal in utero to a certain race or series of races, when eligibility is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees or starting fees.

“Nominator” means the person or entity in whose name a horse is nominated for a race or series of races.

“Objection” means a verbal claim of foul in a race lodged by the horse’s driver, trainer, owner, or the owner’s authorized agent before the race is declared official.

“Optional claiming race” means a contest restricted to horses entered to be claimed for a stated claiming price or to those horses eligible to a specified condition in the case of horses to be claimed in such a race. The race shall be considered, for the purpose of these rules, a claiming race; in the case of horses not entered to be claimed in such a race, the race shall be considered a condition race.

“Overnight race” means a race for which declarations close not more than three days (omitting Sundays) or less than one day before such race is to be contested. In the absence of conditions or notice to the contrary, all entries in overnight events must close not later than 12 noon the day preceding the race.

“Owner” means a person or entity that holds any title, right, or interest, whole or partial, in a horse, including the lessee and lessor of a horse.

“Paddock” means an enclosure in which horses scheduled to compete in a contest are confined prior to racing.

“Post position” means the position behind the starting gate assigned to, drawn by, or earned by a horse.

“Post time” means the scheduled starting time for a contest.

“Race” means a contest between horses for a purse, prize, or other reward contested at a facility in the presence of the stewards of the meeting. Every heat or dash shall be deemed a race for pari-mutuel betting purposes.

“Restricted area” means an area of the facility premises to which access is limited including, but not limited to, a designated area for sample collection, paddock, racetrack, or other area where racing officials carry out the duties of their positions.

“Rules” means the rules promulgated by the commission or U.S.T.A. to regulate the conduct of harness racing. Where a conflict exists between the commission and the U.S.T.A. rules, the commission’s rule shall govern.

“Scratch” means the act of withdrawing an entered horse from a contest after the closing of entries.

“Scratch time” means the deadline set by the facility for withdrawal of entries from a scheduled performance.

“Stable name” means a name used, other than the actual legal name of an owner or lessee, and registered with the U.S.T.A. and the commission.

“Stake” means a race that will be contested in a year subsequent to its closing, for which the money given to the facility conducting the same is added to the money contributed by the nominators, all of which, except deductions for the cost of promotion and breeders of nominators awards, belongs to the winner or winners.

“Starter” means a horse that becomes an actual contestant when the word “go” is given by the official starter.

“Steward” means a duly appointed racing official with powers and duties specified by commission rules.

“Subscription” means moneys paid for nomination, entry, eligibility, or starting of a horse in a stakes race.

“U.S.T.A.” means the United States Trotting Association.

“Veterinarian” means a veterinarian holding a current unrestricted license issued by the state of Iowa regulatory authority and licensed by the commission.

“Year” means a calendar year.

491—9.2(99D) Facilities’ responsibilities.

9.2(1) Stalls. The facility shall ensure that racing animals are stabled in individual box stalls; that the stables and immediate surrounding area are maintained in approved sanitary condition at all times; that satisfactory drainage is provided; and that manure and other refuse are kept in separate boxes or containers at locations distant from living quarters and promptly and properly removed.

9.2(2) Paddocks and equipment. The facility shall ensure that paddocks, starting gates, and other equipment subject to contact by different animals are kept in a clean condition and free of dangerous surfaces.

9.2(3) Receiving barn and stalls. Each facility shall provide a conveniently located receiving barn or stalls for the use of horses arriving during the meeting. The barn shall have adequate stable room and facilities, hot and cold water, and stall bedding. The facility shall employ attendants to operate and maintain the receiving barn or stalls in a clean and healthy condition.

9.2(4) Fire protection. The facility shall develop and implement a program for fire prevention on facility premises in accordance with applicable state fire codes. The facility shall instruct employees working on facility premises of procedures for fire prevention and evacuation. The facility shall, in accordance with state fire codes, prohibit the following:

- a. Smoking in horse stalls, feed and tack rooms, and in the alleyways.
- b. Sleeping in feed rooms or stalls.
- c. Open fires, oil- or gasoline-burning lanterns, or lamps in the stable area.
- d. Leaving any electrical appliance unattended or in unsafe proximity to walls, beds, or furnishings.
- e. Keeping flammable materials, including cleaning fluids or solvents, in the stable area.
- f. Locking a stall which is occupied by a horse.

The facility shall post a notice in the stable area which lists the prohibitions outlined in 9.2(4) "a" to "f" above.

9.2(5) Starting gate. During racing hours a facility shall provide at least two operable starting gates that have been approved by the commission.

9.2(6) Distance markers.

a. A facility shall provide and maintain starting point markers and distance poles in a size and position that can be clearly seen from the stewards' stand.

b. The starting point markers and distance poles must be marked as follows:

- 1/4 poles red and white horizontal stripes
- 1/8 poles green and white horizontal stripes
- 1/16 poles black and white horizontal stripes

9.2(7) Detention barn. Each facility shall maintain a detention barn for use by the commission for securing samples of urine, saliva, blood, or other bodily substances or tissues for chemical analysis from horses who have run in a race. The enclosure shall include a wash rack, commission veterinarian office, a walking ring, at least four stalls, workroom for the sample collectors with hot and cold running water, and glass observation windows for viewing of the horses from the office and workroom. An owner, trainer, or designated representative licensed by the commission shall be with a horse in the detention barn at all times.

9.2(8) Ambulance. A facility shall maintain, on the premises during every day that its track is open for racing or exercising, an ambulance for humans and an ambulance for horses, equipped according to prevailing standards and staffed by medical doctors, paramedics, or other personnel trained to operate them. When an ambulance is used for transfer of a horse or patient to medical facilities, a replacement ambulance must be furnished by the facility to comply with this rule.

9.2(9) Helmets. A facility shall not allow any person to drive any horse on facility premises unless that person is wearing a protective helmet, of a type approved by the commission, securely fastened under the chin.

9.2(10) Racetrack.

a. The surface of a racetrack, including cushion, subsurface, and base, must be designed, constructed, and maintained to provide for the safety of the drivers and racing animals.

b. Distances to be run shall be measured from the starting line at a distance three feet out from the inside rail.

c. A facility shall provide an adequate drainage system for the racetrack.

d. A facility shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The facility shall provide backup equipment for maintaining the track surface.

e. Rails.

(1) Racetracks shall have inside and outside rails, including gap rails, designed, constructed, and maintained to provide for the safety of drivers and horses. The design and construction of rails must be approved by the commission prior to the first race meeting at the track.

(2) All rails must be constructed of materials designed to withstand the impact of a horse.

9.2(11) *Blacksmith.* During racing hours, each facility shall provide the services of a blacksmith within the paddock.

9.2(12) *Extra equipment.* During racing hours, each facility shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

9.2(13) *Head numbers and saddle pads.* Head numbers and saddle pads must be used on horses when warming up and racing. The saddle pads in use at the facility conducting extended pari-mutuel meetings shall be standardized consistent with a format to be established by U.S.T.A.

9.2(14) *Supervision of meeting.* Although facilities have the obligation of general supervision of their meeting, interference with the proper performance of duties of any official is prohibited.

9.2(15) *Patrol films or video recordings.* Each facility shall provide:

a. A video recording system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review, shall be provided in the stewards' stand. The location and construction of video towers must be approved by the commission.

b. One camera, designated by the commission, to record the prerace of all horses approaching the starting gate and to continue to record until the field is dispatched by the starter.

c. One camera, designated by the commission, to record the apparent winner of each race from the finish line until the horse has returned and the driver has dismounted.

d. At the discretion of the stewards, video camera operators to record the activities of any horses or persons handling horses prior to, during, or following a race.

e. At least three video cameras to record races run on an oval track.

f. Upon request of the commission, without cost, a copy of a video recording of a race.

g. That video recordings recorded prior to, during, and following each race be maintained by the facility for not less than six months after the end of the race meeting, or such other period as may be requested by the stewards or the commission.

h. A viewing room in which, on approval by the stewards, an owner, trainer, driver, or other interested individual may view a video recording of a race.

i. Following any race in which there is an inquiry or objection, the video recorded replays of the incident in question which were utilized by the stewards in making their decision. The facility shall display to the public these video recorded replays on designated monitors.

9.2(16) *Communications.*

a. Each facility shall provide and maintain in good working order a communication system between the:

- (1) Stewards' stand;
- (2) Racing office;
- (3) Tote room;
- (4) Drivers' room;
- (5) Paddock;
- (6) Detention barn;

- (7) Starting gate;
- (8) Video camera locations;
- (9) Clocker's stand;
- (10) State racing veterinarian;
- (11) Track announcer;
- (12) Location of the ambulances (equine and human); and
- (13) Other locations and persons designated by the commission.

b. A facility shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

9.2(17) *Horsemen's bookkeeper.*

a. General authority. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the facility and commission may prescribe.

b. Records.

(1) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or driver participating at the race meeting who has funds due or on deposit in the horsemen's account.

(2) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(3) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the facility.

(4) All records of the horsemen's bookkeeper, including records of accounts and moneys and funds kept on deposit, are subject to inspection by the commission at any time.

c. Moneys and funds on account.

(1) All moneys and funds on account with the horsemen's bookkeeper shall be maintained:

1. Separate and apart from moneys and funds of the facility;

2. In a trust account designated as "horsemen's trust account"; and

3. In an account insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(2) The horsemen's bookkeeper shall be bonded.

d. Payment of purses.

(1) The horsemen's bookkeeper shall receive, maintain, and disburse the purse of each race and all stakes, entrance money, driver fees, purchase money in claiming races, all applicable taxes, and other moneys that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of commission rules.

(2) The horsemen's bookkeeper may accept moneys due, belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(3) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, driver fees, purchase money in claiming races, and all applicable taxes, upon request, within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory (commission chemist) as reported by the stewards.

(4) Absent a prior request, the horsemen's bookkeeper shall disburse moneys to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(5) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final nonappealable order disposing of such protest or appeal.

e. No portion of purse money other than driver fees shall be deducted by the facility for itself or for another, unless so requested in writing by the person to whom purse moneys are payable or the person's duly authorized representative. The horsemen's bookkeeper shall mail to each owner a duplicate of each record of all deposits, withdrawals, or transfers of funds affecting the owner's racing account at the close of each race meeting.

9.2(18) Timer. Each facility shall provide for each race an official timer who shall occupy the timer's stand or other appropriate place to observe the contesting of each race. The official timer shall accurately record the time elapsed between the start and finish of each race. The chief timer shall sign the stewards' book for each race verifying the correctness of the record.

491—9.3(99D) Facility policies. It shall be the affirmative responsibility and continuing duty of each occupational licensee to follow and comply with the facility policies as published and distributed by the facility or posted in a conspicuous location.

491—9.4(99D) Racing officials.

9.4(1) General description. Every facility conducting a race meeting shall appoint at least the following officials, who shall all have U.S.T.A. certification:

- a.* One of the members of a three-member board of stewards;
- b.* Racing secretary;
- c.* Paddock judge;
- d.* Horse identifier;
- e.* Clerk of the course;
- f.* Official starter;
- g.* Official charter;
- h.* Program director;
- i.* Placing judge;
- j.* Any other person designated by the commission.

9.4(2) Officials' prohibited activities. No racing official or racing official's assistant(s), while serving in that capacity during any meeting, may engage in any of the following:

- a.* Enter into a business or employment that would be a conflict of interest, interfere with, or conflict with the proper discharge of duties, including a business that does business with a facility or a business issued a concession operator's license;
- b.* Participate in the sale, purchase, or ownership of any horse racing at the meeting;
- c.* Sell or solicit horse insurance on any horse racing at the meeting, or any other business sales or solicitation not a part of the official's duties;
- d.* Wager on the outcome of any race under the jurisdiction of the commission;
- e.* Accept or receive money or anything of value for the official's assistance in connection with the official's duties;
- f.* Consume or be under the influence of alcohol or any prohibited substance while performing official duties.

9.4(3) Single official appointment. No official appointed to any meeting may hold more than one official position listed in 9.4(1) unless, in the determination of the stewards or commission, the holding of more than one appointment would not subject the official to a conflict of interest or duties in the two appointments.

9.4(4) Stewards. (For practice and procedure before the stewards and the commission, see 491—Chapter 4.)

a. General authority.

(1) General. The stewards for each race meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and the rules adopted by the commission. The stewards shall have authority to regulate and to resolve conflicts or disputes between all other racing officials, licensees, and those persons addressed by 491—paragraph 4.6(5) “e” which are reasonably related to the conduct of a race or races and to discipline violators of these rules in accordance with the provisions of these rules.

(2) Period of authority. The stewards’ authority as set forth in this subrule shall commence 30 days prior to the beginning of each race meeting and shall terminate 30 days after the end of each race meeting or with the completion of their business pertaining to the meeting.

(3) Attendance. All three stewards shall be present in the stand during the running of each race.

(4) Appointment of substitute. Should any steward be absent at race time, the state steward(s) shall appoint a deputy for the absent steward. If any deputy steward is appointed, the commission shall be notified immediately by the stewards.

(5) Initiate action. The stewards shall take notice of questionable conduct or rule violations, with or without complaint, and shall initiate investigations promptly and render a decision on every objection and every complaint made to them.

(6) General enforcement provisions. Stewards shall enforce the laws of Iowa and the rules of the commission. The laws of Iowa and the rules of the commission apply equally during periods of racing. The laws and rules supersede the conditions of a race and the regulations of a race meeting and, in matters pertaining to racing, the orders of the stewards supersede the orders of the officers of the facility. The decision of the stewards as to the extent of a disqualification of any horse in any race shall be final for purposes of distribution of the pari-mutuel pool.

b. Other powers and authority.

(1) The stewards shall have the power to interpret the rules and to decide all questions not specifically covered by the rules.

(2) All questions within the stewards’ authority shall be determined by a majority of the stewards.

(3) The stewards shall have control over and access to all areas of the facility premises.

(4) The stewards shall have the authority to determine all questions arising with reference to entries and racing. Persons entering horses to run at a facility agree in so doing to accept the decision of the stewards on any questions relating to a race or racing. The stewards, in their sole discretion, are authorized to determine whether two or more individuals or entities are operating as a single financial interest or as separate financial interests. In making this determination, the stewards shall consider all relevant information including, but not limited to, the following:

1. Whether the parties pay bills from and deposit receipts in the same accounts.

2. Whether the parties share resources such as employees, feed, supplies, veterinary and farrier services, tack, and equipment.

3. Whether the parties switch horses or owner/trainer for no apparent reason, other than to avoid restrictions of being treated as a single interest.

4. Whether the parties engage in separate racing operations in other jurisdictions.

5. Whether the parties have claimed horses, or transferred claimed horses after the fact, for the other’s benefit.

6. If owners, whether one owner is paying the expenses for horses not in the owner’s name as owner.

7. If trainers, whether the relationship between the parties is more consistent with that of a trainer and assistant trainer.

(5) The stewards shall have the authority to discipline, for violation of the rules, any person subject to their control and, in their discretion, to impose fines or suspensions, or both, for infractions.

(6) The stewards shall have the authority to order the exclusion or ejection from all premises and enclosures of the facility any person who is disqualified for corrupt practices on any race course in any country.

(7) The stewards shall have the authority to call for proof that a horse is itself not disqualified in any respect, or nominated by, or wholly or in part the property of a disqualified person. In default of proof being given to their satisfaction, the stewards may declare the horse disqualified.

(8) The stewards shall have the authority at any time to order an examination of any horse entered for a race or which has run in a race.

(9) In order to maintain necessary safety and health conditions and to protect the public confidence in horse racing as a sport, the stewards have the authority to authorize a person(s) on their behalf to enter into or upon the buildings, barns, motor vehicles, trailers, or other places within the premises of a facility, to examine same, and to inspect and examine the person, personal property, and effects of any person within such place, and to seize any illegal articles or any items as evidence found.

(10) The stewards shall maintain a log of all infractions of the rules and of all rulings of the stewards upon matters coming before them during the race meet.

(11) The state stewards must give prior approval for any person other than the commissioners or commission representative to be allowed in the stewards' stand.

(12) The stewards shall determine the winner of each race and the order of finish for each of the remaining horses in the race. In case of a difference of opinion among the stewards, the majority opinion shall govern. In determining places at the finish of a race, the stewards shall consider only the noses of the placing horses. The stewards' decision on the race shall be final.

(13) The stewards may correct errors in their determination of the placing of horses at the finish before the display of the official sign or, if the official sign has been displayed in error, after that display. If the display is in error, no person shall be entitled to any proceeds of the pari-mutuel pool on account of the error.

c. Emergency authority.

(1) Substitute officials. When, in an emergency, any official is unable to discharge the official's duties, the stewards may approve the appointment of a substitute and shall report it immediately to the commission.

(2) Substitute driver. The stewards have the authority, in an emergency, to designate a substitute driver for any horse. Before using that authority, the stewards shall in good faith attempt to inform the trainer of the emergency and to afford the trainer the opportunity to appoint a substitute driver. If the trainer cannot be contacted, or if the trainer is contacted but fails to appoint a substitute driver and inform the stewards of the substitution by 30 minutes prior to post time, then the stewards may appoint a substitute driver under this rule.

(3) Substitute trainer. The stewards have the authority in an emergency to designate a substitute trainer for any horse.

(4) Excuse horse. In case of accident or injury to a horse or any other emergency deemed by the stewards before the start of any race, the stewards may excuse the horse from starting.

(5) Exercise authority. No licensee may exercise a horse on the track between races unless upon the approval of the stewards.

(6) Nonstarter. At the discretion of the stewards, any horse(s) precluded from having a fair start may be declared a nonstarter, and any wagers involving said horse(s) may be ordered refunded.

d. Investigations and decisions.

(1) Investigations. The stewards may, upon direction of the commission, conduct inquiries and shall recommend to the commission the issuance of subpoenas to compel the attendance of witnesses and the production of reports, books, papers, and documents for any inquiry. The commission stewards have the power to administer oaths and examine witnesses. The stewards shall submit a written report to the commission of every such inquiry made by them.

(2) Form reversal. The stewards shall take notice of any marked reversal of form by any horse and shall conduct an inquiry of the horse's owner, trainer, or other persons connected with the horse including any person found to have contributed to the deliberate restraint or impediment of a horse in order to cause it not to win or finish as near as possible to first.

(3) Fouls.

1. Extent of disqualification. Upon any claim of foul submitted to them, the stewards shall determine the extent of any disqualification and place any horse found to be disqualified behind others in the race with which it interfered or may place the offending horse last in the race. The stewards, at their discretion, may determine if there was sufficient interference or intimidation to affect the outcome of the race and take the appropriate actions thereafter.

2. Coupled entry. When a horse is disqualified under 9.4(4) "d"(3)"1" and that horse was a part of a coupled entry and, in the opinion of the stewards, the act which led to the disqualification served to unduly benefit the other part of the coupled entry, the stewards may disqualify the other part of the entry.

3. Driver guilty of foul. The stewards may discipline any driver whose horse has been disqualified as a result of a foul committed during the running of a race.

(4) Protests and complaints. The stewards shall investigate promptly and render a decision in every protest and complaint made to them. They shall keep a record of all protests and complaints and any rulings made by the stewards and shall file reports daily with the commission.

1. Involving fraud. Protests involving fraud may be made by any person at any time. The protest must be made to the stewards.

2. Not involving fraud. Protests, except those involving fraud, may be filed only by the owner of a horse, authorized agent, trainer, or the driver of the horse in the race about which the protest is made. The protest must be made to the stewards before the race is declared official.

3. Prize money of protested horse. During the time of determination of a protest, any money or prize won by a horse protested or otherwise affected by the outcome of the race shall be paid to and held by the horsemen's bookkeeper until the protest is decided.

4. Protest in writing. A protest, other than one arising out of the actual running of a race, must be in writing, signed by the complainant, and filed with the stewards not later than one hour before post time of the race out of which the protest arises.

5. Frivolous protests. No person shall make a frivolous protest nor may any person withdraw a protest without the permission of the stewards.

9.4(5) Racing secretary.

a. General authority. The racing secretary is responsible for setting the conditions for each race of the meeting, regulating the nomination of entries, determining the amounts of purses and to whom they are due, and the recording of racing results. The racing secretary shall permit no person other than licensed racing officials to enter the racing secretary's office or work areas until such time as all entries are closed, drawn, and smoked. Exceptions to this rule must be approved by the stewards.

b. Conditions. The racing secretary shall establish the conditions and eligibility for entering the races of the meeting and cause them to be published to owners, trainers, and the commission. Corrections to the conditions must be made within 24 hours of publication.

c. *Posting of entries.* Upon the completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in the racing office and make the list available to the public.

d. *Stakes and entrance money records.* The racing secretary shall be caretaker of the permanent records of all stakes, entrance moneys, and arrears paid or due in a race meeting and shall keep permanent records of the results of each race of the meeting.

e. *Winnings—all inclusive.* For the purpose of the setting of conditions by the racing secretary, winnings shall be considered to include all moneys and bonus awards won up to the time when entries close, but winnings on the closing date of eligibility shall not be considered.

f. *Cancellation of a race.* The racing secretary has the authority to withdraw, cancel, or change any race which has not been closed. In the event the canceled race is a stakes race, all subscriptions and fees paid in connection with the race shall be refunded.

g. *Coggins test or equine infectious anemia.* The racing secretary shall ensure that all horses have a current negative Coggins test or negative equine infectious anemia test. The racing secretary shall report all expired certificates to the stewards.

h. *Rejection of declaration.*

(1) The racing secretary may reject the declaration of any horse whose eligibility certificate or electronic eligibility certificate was not in the possession of the racing secretary on the date the condition book was published.

(2) The racing secretary may reject the declaration of any horse whose past performance indicates that the horse would be below the competitive level of other horses declared, provided the rejection does not result in a race's being canceled.

i. *Eligibility certificate or electronic eligibility certificates.* The racing secretary will receive and keep the eligibility certificate or electronic eligibility certificate of horses competing at the facility and return same to the owner or the owner's representative upon request.

j. *Declaration blanks.* The racing secretary will examine all declaration blanks to verify all information set forth therein.

k. *Verification of eligibility.* The racing secretary will check the eligibility of all horses drawn in to race and verify the horses' eligibility with the stewards.

l. *Registration.* The racing secretary shall be responsible for the care and security of all registrations and supporting documents submitted by the trainers while the horses are located on facility premises. Disclosure is made for the benefit of the public, and all documents pertaining to the ownership or lease of a horse filed with the racing secretary shall be available for public inspection.

m. *Certificates.* Rescinded IAB 10/17/01, effective 11/21/01.

9.4(6) Paddock judge.

a. *General authority.* The paddock judge shall:

(1) Be in charge of the paddock and shall have general responsibility for the inspection of horses and for the equipment used.

(2) Attempt to maintain consistency in the use of equipment on individual horses.

(3) Supervise paddock gate men.

b. Duties. The paddock judge shall:

- (1) Ensure that only properly authorized persons are permitted in the paddock.
- (2) Get the fields on the racetrack for post parades.
- (3) Properly check in and check out horses and drivers.
- (4) Immediately notify the stewards of anything that could in any way change, delay, or otherwise affect the racing program.
- (5) Report to stewards any observed cruelty to a horse.

9.4(7) Horse identifier.

a. General authority. The horse identifier shall be present for each race. The identifier shall inspect the horse's tattoo number or freeze brand number, color, and any markings prior to the horse's departure from the paddock to post to ensure it is the appropriate horse.

b. Report violations. Any discrepancy detected in the tattoo number or freeze brand number, color or markings of a horse shall be reported immediately to the paddock judge, who shall in turn report same forthwith to the stewards.

9.4(8) Clerk of the course. The clerk of the course shall be responsible for keeping and verifying the stewards' book, eligibility certificates or electronic eligibility certificates provided by the U.S.T.A. or C.T.A. and shall:

a. Record therein the following information:

- (1) Names and addresses of owners;
- (2) The standard symbols for medications, where applicable;
- (3) Notations of placing, disqualifications, and claimed horses; and
- (4) Notations of scratched or ruled out horses.

b. Rescinded IAB 5/10/06, effective 6/14/06.

c. Notify owners and drivers of penalties assessed by the official.

d. Assist in drawing post positions, if requested.

e. Maintain the stewards' list.

9.4(9) Starter.

a. General authority. The starter is responsible for providing a fair start for each race.

b. Disciplinary action. The official starter may recommend to the stewards fines or suspension of the licenses of drivers for any violations of these rules from the formation of the parade until the word "go" is given.

9.4(10) Official charter. The charting of races is mandatory and the facility shall employ a licensed charter from the U.S.T.A.

9.4(11) Commission veterinarians (veterinarian).

a. The veterinarian(s) shall advise the commission and the stewards on all veterinary matters.

b. The veterinarian(s) shall have supervision and control of the detention barn for the collection of test samples for the testing of horses for prohibited medication as provided in Iowa Code sections 99D.23(2) and 99D.25(9). The commission may employ persons to assist the veterinarian(s) in maintaining the detention barn area and collecting test samples.

c. The veterinarian(s) shall not buy or sell any horse under the veterinarian's supervision; wager on a race under the veterinarian's supervision; or be licensed to participate in racing in any other capacity.

d. The veterinarian(s) may request that any horse entered in a race undergo an examination on the day of the race to determine the general fitness of the horse for racing. During the examination, all bandages shall be removed by the groom upon request and the horse may be exercised outside the stall to permit the examiner to determine the condition of the horse's legs and feet. The examining veterinarian shall report any unsoundness in a horse to the stewards.

e. A veterinarian shall inspect all of the horses in a race in the paddock, during the post parade and scoring prior to the start, and shall observe the horses upon their leaving the track after the finish of a race.

f. The veterinarian shall place any horse determined to be sick or too unsafe, unsound, or unfit to race on a veterinarian's list that shall be posted in a conspicuous place available to all owners, trainers, and officials.

g. A horse placed on the veterinarian's list, bleeders exempt, may be allowed to enter only after it has been removed from the list by the veterinarian. Requests for the removal of any horse from the veterinarian's list will be accepted only after three calendar days have elapsed from the placing of the horse on the veterinarian's list. Removal from the list will be at the discretion of the veterinarian who may require satisfactory workouts or examinations to adequately demonstrate that the problem that caused the horse to be placed on the list has been rectified.

h. The veterinarian(s) shall supervise and ensure that the administration of furosemide and phenylbutazone is in compliance with Iowa Code section 99D.25A.

i. Rescinded IAB 9/29/04, effective 11/3/04.

j. The veterinarian(s) or commission representative shall take receipt of veterinary reports as required by Iowa Code section 99D.25(10).

9.4(12) Driver room custodian. The driver room custodian shall have the following duties:

a. Maintain order, decorum and cleanliness in the driver's room.

b. Ensure that no person other than representatives of the commission, representatives of the facility, and drivers are admitted to the driver's room on a racing day except by permission of the stewards and ensure that no unauthorized personnel are permitted in the driver's room after the final race on racing days.

c. Ensure that drivers are neat in appearance and properly attired when they leave the driver's room to drive in a race.

d. Report any rule violations within the driver's room to stewards.

e. Assign to each driver a locker for the use of the driver in storing clothing, equipment and personal effects.

9.4(13) Mutuel manager. The mutuel manager is responsible for the operation of the mutuel department. The mutuel manager shall ensure that any delays in the running of official races caused by totalizator malfunctions are reported to the stewards. The mutuel manager shall submit a written report on any delay when requested by the state steward.

491—9.5(99D) Trainer and driver responsibilities.

9.5(1) Trainer.

a. *Responsibility.* The trainer is responsible for:

(1) The condition of horses entered in any race and, in the absence of substantial evidence to the contrary, for the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in such horses, regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule or Iowa Code chapter 99D.

(2) Preventing the administration of any drug, medication, or other prohibited substance that may cause a violation of these rules.

(3) Any violation of rules regarding a claimed horse's participation in the race in which the trainer's horse is claimed.

(4) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned to the trainer by the facility, and maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

- (5) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (6) Being present to witness the administration of furosemide during the administration time and sign as the witness on the affidavit form. A licensed designee of the trainer may witness the administration of the furosemide and sign as the witness on the affidavit form; however, this designee may not be another practicing veterinarian or veterinary assistant.
- (7) The proper identity, custody, care, health, condition, and safety of horses in the trainer's charge.
- (8) Disclosure to the racing secretary of the true and entire ownership of each horse in the trainer's care, custody, or control. Any change in ownership shall be, subject to approval of the stewards, reported immediately to and recorded by the racing secretary. The disclosure, together with all written agreements and affidavits setting out oral agreements pertaining to the ownership for or rights in and to a horse, shall be attached to the registration certificate for the horse and filed with the racing secretary.
- (9) Training all horses owned wholly or in part by the trainer which are participating at the race meeting, unless otherwise approved by the stewards.
- (10) Registering with the racing secretary each horse in the trainer's charge within 24 hours of the horse's arrival on facility premises.
- (11) Ensuring that, at the time of arrival at the facility, each horse in the trainer's care is accompanied by a valid health certificate and evidence of a negative Coggins test, which shall be filed with the racing secretary.
- (12) Having each horse in the trainer's care that is racing or stabled on facility premises tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary. The test must have been conducted within the previous 12 months and must be repeated upon expiration. The certificate must be attached to the eligibility certificate or on file with the racing secretary.
- (13) Using the services of those veterinarians licensed by the commission to attend horses that are on facility premises.
- (14) Immediately reporting the alteration of the sex of a horse in the trainer's care to the horse identifier and the racing secretary.
- (15) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration or on file with the state veterinarian's office. See Iowa Code subsections 99D.25(1) to 99D.25(3).
- (16) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in the trainer's charge.
- (17) Promptly reporting the death of any horse on facility premises in the trainer's care to the stewards, owner, and the commission veterinarian and complying with Iowa Code subsection 99D.25(5) governing postmortem examination.
- (18) Maintaining a knowledge of the medication record and status of all horses in the trainer's care.
- (19) Immediately reporting to the stewards and the commission veterinarian if the trainer knows, or has cause to believe, that a horse in the trainer's custody, care, or control has received any prohibited drugs or medication.
- (20) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (21) Ensuring the eligibility of horses entered and allowances claimed.
- (22) Ensuring the fitness of a horse to perform creditably at the distance entered.
- (23) Ensuring that the trainer's horses are properly shod, bandaged, and equipped.
- (24) Presenting the trainer's horse in the paddock at least one hour before post time or at a time otherwise appointed before the race in which the horse is entered.
- (25) Personally attending to the trainer's horses in the paddock and supervising the harnessing thereof, unless excused by the stewards.

(26) Instructing the driver to give the driver's best effort during a race and instructing the driver that each horse shall be driven to win.

(27) Witnessing the collection of a urine or blood sample from the horse in the trainer's charge or delegating a licensed employee or the owner of the horse to do so.

(28) Notifying horse owners upon the revocation or suspension of the trainer's license. Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer and, upon such approved transfer, such horses may be entered to race.

(29) Securing the services of a driver prior to making a declaration.

b. Restrictions on wagering. A trainer with a horse(s) entered in a race shall be allowed to wager only on that horse(s) or that horse(s) in combination with other horses.

c. Assistant trainers.

(1) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(2) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission and may include requirements set forth in 491—Chapter 6.

(3) An assistant trainer may substitute for and shall assume the same duties, responsibilities, and restrictions as are imposed on the licensed trainer. In such case, the trainer shall be jointly responsible for the assistant trainer's compliance with the rules.

d. Substitute trainers.

(1) A trainer absent for more than five days from responsibility as a licensed trainer, or on a day in which the trainer has a horse in a race, shall obtain another licensed trainer to substitute.

(2) A substitute trainer shall accept responsibility for the horses in writing and shall be approved by the stewards.

(3) A substitute trainer and the absent trainer shall be jointly responsible as absolute ensurers of the condition of their horses entered in an official workout or race.

9.5(2) Driver.

a. Driving duty. Every driver shall participate when programmed unless excused by the stewards. A driver shall give a best effort during a race and each horse shall be driven to win.

b. Driving colors. Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race unless, in the opinion of the stewards, they are properly dressed. No person shall drive a horse during the time when colors are required on the racetrack unless the person is wearing a protective helmet, painted as registered or of compatible colors, and has a chin strap in place.

c. Driver betting. No driver shall bet, or cause any other person to bet on the driver's behalf, on any other horse in any race in which the driver shall start a horse driven by the driver. No such person shall participate in exacta, quinella, or other multiple-pool wagering on a race in which such horse starts other than the daily double.

491—9.6(99D) Conduct of races.

9.6(1) Horses ineligible. Any horse ineligible to be entered for a race, or ineligible to start in any race, that competes in that race may be disqualified and the stewards may discipline the persons responsible for that horse competing in that race. A horse is ineligible to start a race when:

a. The horse is not stabled on the premises of the licensed facility by the time so designated by the stewards;

b. The U.S.T.A. or C.T.A. eligibility certificate or electronic eligibility certificate has not been examined by the racing secretary, or horse identifier, and determined to be proper and in order;

c. The horse is not fully identified by an official tattoo on the inside of the upper lip or a freeze brand applied by an authorized U.S.T.A. or C.T.A. technician;

- d. With respect to a horse that is entered for the first time, the nominator has failed to identify the horse by name, color, sex, age, names of sire and dam as registered, and present owner and trainer;
- e. The horse is brought to the paddock and is not in the care of and harnessed by a licensed trainer or assistant trainer;
- f. The horse has been knowingly entered or raced in any jurisdiction under a different name, with an altered eligibility certificate or electronic eligibility certificate, or altered lip tattoo by a person having lawful custody or control of the horse for the purpose of deceiving any facility or regulatory agency;
- g. The horse has been allowed to enter or start by a person having lawful custody or control of the horse who participated in or assisted in the entry of racing of some other horse under the name of the horse in question;
- h. The horse is wholly or partially owned by a disqualified person or is under the direct or indirect management of a disqualified person;
- i. The horse is wholly or partially owned by the spouse of a disqualified person or is under the direct or indirect management of the spouse of a disqualified person; in such cases, it is presumed that the disqualified person and spouse constitute a single financial entry with respect to the horse, which presumption may be rebutted;
- j. The horse has no current negative Coggins test certificate or negative equine infectious anemia test certificate attached to the eligibility certificate or on file with the racing secretary;
- k. The stakes or entrance money for the horse has not been paid;
- l. The horse appears on the starter's list, stewards' list, or veterinarian's list;
- m. The horse is a first-time starter not meeting qualifications standards for the race meeting;
- n. The horse is owned in whole or in part by an undisclosed person of interest;
- o. The horse is subject to a lien that has not been approved by the stewards and filed with the horsemen's bookkeeper;
- p. The horse is subject to a lease not filed with the stewards;
- q. The horse is not in sound racing condition;
- r. The horse has been nerved by surgical neurectomy;
- s. The horse has been trachea-tubed to artificially assist breathing;
- t. The horse has been blocked with alcohol or injected with any other foreign substance or drug to desensitize the nerves of the leg;
- u. The horse has impaired eyesight in both eyes;
- v. The horse appears on the starter's list, stewards' list, or veterinarian's list of any racing jurisdiction or is barred from racing in any racing jurisdiction; or
- w. The horse has started in any race on the previous calendar day.

9.6(2) Two-year-old horses. No two-year-old horse shall be permitted to start in a dash or heat exceeding one mile in distance, and no two-year-old shall be permitted to race in more than two heats or dashes in any single day.

9.6(3) Registration. All matters relating to registration of standardbred horses shall be governed by the rules of the U.S.T.A.

9.6(4) Eligibility certificate or electronic eligibility certificate. A facility may refuse to accept any declaration without the eligibility certificate or electronic eligibility certificate for the proper gait first being presented. Fax or telephone declarations may be sent and accepted without penalty, provided the declarer furnished adequate program information, but the eligibility certificate or electronic eligibility certificate must be presented when the horse arrives at the facility and before it races. The racing secretary shall check each certificate and certify to the stewards as to the eligibility of all the horses.

9.6(5) Canadian track information. Prior to the declaration, owners of horses having Canadian certificates shall furnish the racing secretary with a Canadian certificate completely filled out for the current year, which has a U.S.T.A. validation certificate attached.

9.6(6) Foreign entries. No eligibility certificate or electronic eligibility certificate will be issued on a horse coming from a country other than Canada unless the following information, certified by the trotting association or governing body of that country from which the horse comes, is furnished:

a. The number of starts during the preceding year, together with the number of firsts, seconds, and thirds for the horse, and the total amount of money won during the current period.

b. The number of races in which the horse has started during the preceding year, together with the number of firsts, seconds, and thirds for the horse, and the total amount of money won during the current period.

c. A detailed list of the last six starts giving the date, place, track condition, post position or handicap, if it was a handicap race, distance of the race, position at the finish, the time of the race, the driver's name, and the first three horses in the race.

9.6(7) Time bars. No time records or bars shall be used as an element of eligibility.

9.6(8) Date when eligibility is determined.

a. Horses must be eligible when entries close but winnings on the closing date of eligibility shall not be considered.

b. In mixed races, trotting and pacing, a horse must be eligible to the class at the gait at which it is stated in the entry the horse will perform.

9.6(9) Conflicting conditions. In the event there are conflicting published conditions and neither is withdrawn by the facility, the more favorable to the nominator shall govern.

9.6(10) Overnight events.

a. *Standards for overnight events.* When time standards are established at a meeting for both trotters and pacers, trotters shall be given a minimum of two seconds allowance in relation to pacers.

b. *Posting of overnight conditions.* At extended pari-mutuel meetings, condition books will be prepared and races may be divided or substituted only when regularly scheduled races fail to fill. Books containing at least three days' racing programs will be available to horsemen at least 24 hours prior to closing declarations on any race program contained. When published, the conditions must be clearly stated and not printed as TBA—To Be Announced. The racing secretary shall forward copies of each condition book and overnight sheet to the commission and U.S.T.A. office as soon as they are available to the horsemen.

9.6(11) Supplemental purse payments. Supplemental purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed and will appear on the eligibility certificate or electronic eligibility certificate for the subsequent year. Distribution shall not affect the current eligibility until placed on the next eligibility certificate or electronic eligibility certificate.

9.6(12) Substitute and divided races.

a. Substitute races may be provided for each day's program and shall be so designated. Entries in races not filling shall be posted. A substitute race or a race divided into two divisions shall be used only if regularly scheduled races fail to fill.

b. If a regular race fills, it shall be raced on the day it was offered.

c. Overnight events and substitutes shall not be carried over to the next racing day.

9.6(13) Qualifying races. A horse qualifying in a qualifying race for which no purse is offered shall not be deprived by reason of that performance of the right to start in any conditioned race.

9.6(14) Start. The definition of the word "start" in any type of condition unless specifically so stated will include only those performances in a purse race. Qualifying and matinee races are excluded.

9.6(15) Claiming races.**a. Eligibility.**

(1) No person may file a claim for any horse unless the person:

1. Is a licensed owner at the meeting who has started a horse at the meeting. A temporary horse owner's license is not valid for claiming purposes; or

2. Is a licensed authorized agent, authorized to claim for an owner eligible to claim; or

3. Has a valid open claim certificate. Any person not licensed as an owner, or a licensed authorized agent for the account of the same, or a licensed owner who has not started a horse at the meeting may request an open claim certificate from the commission. The person must submit a completed application for a prospective owner's license to the commission. The applicant must give the name of the trainer licensed by the commission who will be responsible for the claimed horse. A nonrefundable fee must accompany the application along with any financial information requested by the commission. The names of the prospective owners shall be prominently displayed in the offices of the commission and the racing secretary. The application will be processed by the commission and when the open claim certificate is exercised, an owner's license will be issued.

(2) One stable claim. No stable that consists of horses owned by more than one person and which has a single trainer may submit more than one claim in any race. An authorized agent may submit only one claim in any race regardless of the number of owners represented.

b. Procedure for claiming. To make a claim for a horse, an eligible person shall:

(1) Deposit to the person's account with the horsemen's bookkeeper the full claiming price and applicable taxes as established by the racing secretary's conditions.

(2) File in a locked claim box, maintained for that purpose by the stewards or their designee, a claim filled out completely in writing and with sufficient accuracy to identify the claim on forms provided by the facility at least ten minutes before the time of the race.

c. Claim box.

(1) The claim box shall be approved by the commission and kept locked until ten minutes prior to the start of the race when it shall be presented to the stewards or their representative for opening and publication of the claims.

(2) The claim box shall include a time clock which automatically stamps the time on the claim envelope prior to its being dropped in the box.

(3) No official of a facility shall give any information as to the filing of claims therein until after the race has been run.

d. Claim irrevocable. After a claim has been filed in the claim box, it shall not be withdrawn.

e. Multiple claims on single horses. If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

f. Successful claims; later races.

(1) Sale or transfer. No successful claimant may sell or transfer a horse, except in a claiming race, for a period of 30 days from the date of claim.

(2) Eligibility price. A horse that is declared the official winner in the race in which it is claimed may not start in a race in which the claiming price is less than the amount for which it was claimed. After the first start back or 30 days, whichever occurs first, a horse may start for any claiming price. A horse which is not the official winner in the race in which it is claimed may start for any claiming price. No right, title, or interest for any claimed horse shall be sold or transferred except in a claiming race for a period of 30 days following the date of claiming. The day claimed shall not count, but the following calendar day shall be the first day.

(3) Racing elsewhere. A horse that was claimed under these rules may not participate at a race meeting other than that at which it was claimed until the end of the meeting, except with written permission of the stewards. This limitation shall not apply to stakes races.

(4) Same management. A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(5) When a horse is claimed out of a claiming race, the horse's engagements are included.

g. *Transfer after claim.*

(1) Forms. Upon a successful claim, the stewards shall issue in triplicate, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the commission, the stewards, and the racing secretary. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards. Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant from the time the horse becomes a starter. The successful claimant shall become the owner of the horse at the time of starting, regardless of whether it is alive or dead, sound or unsound, or injured during or after the race. The original trainer of the claimed horse shall be responsible for the postrace test results.

(2) Other jurisdiction rules. The commission will recognize and be governed by the rules of any other jurisdiction regulating title and claiming races when ownership of a horse is transferred or affected by a claiming race conducted in that other jurisdiction.

(3) Determination of sex and age. The claimant shall be responsible for determining the age and sex of the horse claimed notwithstanding any designation of sex and age appearing in the program or in any racing publication. In the event of a spayed mare, the (s) for spayed should appear next to the mare's name on the program. If it does not, and the claimant finds that the mare is in fact spayed, claimant may then return the mare for full refund of the claiming price.

(4) Affidavit by claimant. The stewards may, if they determine it necessary, require any claimant to execute a sworn statement that the claimant is claiming the horse for the claimant's own account or as an authorized agent for a principal and not for any other person.

(5) Delivery required. No person shall refuse to deliver a properly claimed horse to the successful claimant. The claimed horse shall be disqualified from entering any race until delivery is made to the claimant.

(6) Obstructing rules of claiming. No person or licensee shall obstruct or interfere with another person or licensee in claiming any horse, enter into any agreement with another to subvert or defeat the object and procedures of a claiming race, or attempt to prevent any horse entered from being claimed.

h. *Elimination of stable.* An owner whose stable has been eliminated by claiming may claim for the remainder of the meeting at which eliminated or for 30 racing days, whichever is longer. With the permission of the stewards, stables eliminated by fire or other casualty may claim under this rule.

i. *Deceptive claim.* The stewards may cancel and disallow any claim within 24 hours after a race if they determine that a claim was made upon the basis of a lease, sale, or entry of a horse made for the purpose of fraudulently obtaining the privilege of making a claim. In the event of a disallowance, the stewards may further order the return of a horse to its original owner and the return of all claim moneys.

j. *Protest of claim.* A protest to any claim must be filed with the stewards before noon of the day following the date of the race in which the horse was claimed. Nonracing days are excluded from this rule.

9.6(16) Entries. All entries must:

- a. Be made in writing.
- b. Be signed by the owner or authorized agent, except as provided in this chapter.
- c. Give name and address of the owner and agent or registered stable name or lessee.
- d. Give name, color, sex, sire, and dam of horse.
- e. Name the event or events in which the horse is to be entered.

9.6(17) Entries and starters; split races.

a. *Entries required.* The facility must specify how many entries are required for overnight events and, after the condition is fulfilled, the event must be contested.

b. *Elimination heats or two divisions.* In any race where the number of horses declared to start exceeds 11 on a half-mile track, or 14 on a larger track, unless lesser numbers are specified in the conditions of the race, the race, at the option of the facility and stated before positions are drawn, may be raced in elimination heats.

In the absence of conditions providing for a lesser number of starters, no more than two tiers of horses, allowing eight feet per horse, will be allowed to start in any race.

c. *Elimination plans.*

(1) Whenever elimination heats are required, or specified in the published conditions, the race shall be raced in the following manner unless otherwise stated in the conditions or conducted under another segment of these rules. The field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse, and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of the main event shall be the race winner.

(2) In the event there are more horses declared to start than can be accommodated by the two elimination dashes, there shall be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40 percent of the purse.

1. Draw positions to determine which of the dash winners has the pole and which the second position; which of the two horses that have been second shall start in third position and which in fourth; and subsequent positions, or

2. Have an open draw to determine the positions in which the horses are to start in the main event; that is, all positions shall be drawn by lot from among all horses qualified for the main event. In the event the sponsor fails to prescribe in the conditions for the event the method to be used for the drawing of post positions, the provisions of paragraph "1" above shall apply.

d. *Overnight events.* In overnight events at extended pari-mutuel meetings, not more than eight horses shall be allowed to start on a half-mile track and not more than ten horses on larger tracks.

e. *Qualifying race for stake.* Where qualifying races are provided in the conditions of any early closing event, stakes, or futurity, the qualifying race must be held not more than seven days prior to contesting the main event, omitting the day of the race.

9.6(18) Declaration to start; drawing horses.

a. *Declaration.*

(1) Declaration time shall be determined by the stewards.

(2) No horse shall be declared to start in more than one race on any one racing day.

(3) Declaration box (box). The facility shall provide a locked box with an aperture through which declarations shall be deposited.

(4) Responsibility for box. The stewards shall be in charge of the box.

(5) Search for declarations by the steward(s) before opening box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing, or late closing events are on the program, the steward(s) shall check with the racing secretary to ascertain if any declarations by mail, fax, or otherwise are in the office and not deposited in the box and shall see that they are declared and drawn in the proper event.

(6) Opening of box. The box shall be opened by the steward(s) at the advertised time and the steward(s) will be responsible for ensuring that at least one horseman or the horseman's official representative is present. No owner or agent for a horse with a declaration in the box shall be denied the privilege of being present. Under the supervision of the steward(s), all declarations shall be listed, the eligibility verified, the preference ascertained, starters selected, and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened at a defined time.

(7) Drawing of post positions for heats in races of more than one dash or heat. In races of a duration of more than one dash or heat, the stewards may draw post positions from the stand for succeeding dashes or heats.

(8) Declarations by mail, fax, or telephone. Declarations by mail, fax, or telephone actually received and evidence of which is deposited in the box before the time specified to declare shall be drawn in the same manner as the others. Drawings shall be final. Mail, fax, and telephone declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and colors; the date and place of last start; a current summary, including the number of starts, firsts, seconds, thirds, earnings, and best winning time for the current year; and the event or events in which the horse is to be entered.

(9) Effect of failure to declare on time. When a facility requires a horse to be declared by a stated time, failure to declare as required shall be considered a withdrawal from the event.

(10) Drawings of horses after declaration. After declaration to start has been made, no horse shall be drawn except by permission of the stewards.

(11) Horses omitted through error. Drawings shall be final unless there is conclusive evidence that a horse properly declared was omitted from the race through the error of the facility or its agent or employee, in which event the horse shall be added to the race but given the last post position, provided the error is discovered prior to scratch time or the printing of the program, whichever is sooner. However, in the case of early closers and stake and futurity races, the race shall be redrawn.

b. Qualifying races. At all extended pari-mutuel meetings, eligibility to declare for overnight events shall be governed by the following:

(1) Within 30 days of being declared in, a horse that has not raced previously at the gait chosen must go through a qualifying race under the supervision of a steward and acquire at least one charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths, a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season or a charted line within its last six starts must go through a qualifying race as set forth above. Uncharted races contested in heats of more than one dash and consolidated according to subparagraph 9.6(18) "b"(4) below will be considered one start.

(3) A horse that has not started at a charted meeting by April 1 of a season must go through a qualifying race and meet the qualifying standards of the meet.

(4) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines. The requirements of subparagraph 9.6(18) "b"(2) above would not then apply.

(5) The consolidated line shall carry date, place, time, driver, finish, track condition, and distance if race is not at one mile.

(6) The stewards may require any horse that has been on the stewards' list to go through a qualifying race. A horse that is on the stewards' list for breaks or refusing to come to the gate must qualify in a qualifying race.

(7) If a horse has not raced an individual time meeting the qualifying standards for that class of horse, the horse may be required to go through a qualifying race.

(8) The stewards may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which it will compete in the event adequate competition is not available for a qualifying race.

(9) To enable a horse to qualify, qualifying races should be held at least one full week prior to the opening of any meeting and shall be scheduled once a week during the meeting and through the last week of the meeting.

(10) When a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded. This subparagraph is not applicable to races qualifying both drivers and horses.

(11) If a horse takes a win race record in a qualifying race, the record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has had a specimen taken and tested. It will be the responsibility of the steward to report the results of the test on the stewards' sheet.

(12) Any horse that fails to race at a charted meeting within 30 days after having started in a current year shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start.

c. Coupled entries.

(1) When one owner or lessee enters more than one horse in the same race, the horses shall be coupled as an entry. Horses shall be regarded as having a common owner when an owner of one horse, either as an individual, a licensed member of a partnership, or a licensed shareholder of a corporation, has an aggregate commonality of ownership of 5 percent interest in another horse, either as an individual, a licensed member of a partnership, or a licensed shareholder of a corporation. If the race is split in two or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainer, then by stables; but the divisions in which the horses compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) Coupled entry limitations on owner. No more than two horses coupled by a common ownership or trainer shall be entered in an overnight race.

(3) Coupling entries by stewards. The stewards shall couple as a single entry any horses which, in the determination of the stewards, are connected by common ownership, common lessee, or when the stewards determine that coupling is necessary in the interest of the regulation of a pari-mutuel wagering industry or is necessary to ensure the public's confidence in racing.

d. Also eligibles. No more than two horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one or more horses are excused by the stewards, the also eligible horse(s) shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse put into the race from the also eligible list cannot be drawn except by permission of the stewards, but the owner or trainer of the horse shall be notified that the horse is to race and the notification shall be posted at the racing secretary's office. All horses on the also eligible list and not moved into the race by scratch time for the race shall be released.

e. Preference.

(1) Preference shall be given in all overnight events according to a horse's last purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which it was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first successful qualifying race shall be considered its last race date and preference shall be applied accordingly.

(3) If an error has been made in determining or posting a preference date and the error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.

(4) Exclusion of single interest. Horses having the same owner, lessee, or trainer shall not be permitted to enter or start if the effect would deprive a single interest from starting in overnight races.

(5) Whenever horses have equal preference in a race, the actual preference of said horses in relation to one another shall be determined from the most recent previous starts which do not result in equal preference.

(6) When an overnight race has been reopened because it did not fill, all eligible horses declared into the race prior to the reopening shall receive preference over other horses subsequently declared, irrespective of the actual preference dates.

f. Stewards' list.

(1) A horse that is unfit to race because it is dangerous, unmanageable, sick, lame, unable to show a performance to qualify for races at the meeting, or is otherwise unfit to race at the meeting, may be placed on a stewards' list by the stewards, and declarations of the horse shall be refused. The owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the stewards' list, the clerk of the course shall make a note on the certificate or electronic eligibility certificate of such horse showing the date the horse was put on the stewards' list, the reason, and the date of removal if the horse has been removed.

(2) No steward or other official at a nonextended meeting shall have the power to remove from the stewards' list and accept as an entry any horse which has been placed on a stewards' list for the reason that it is a dangerous or unmanageable horse. Meetings may refuse declarations on any horse that has been placed on the stewards' list and has not been removed.

(3) A horse scratched from a race because of lameness or sickness may not race or enter another race for at least three days from the date scheduled to race.

g. Driver. Declarations shall state who shall drive the horse and give the driver's colors. Drivers shall be named at the time of the draw after which no driver may be changed without good cause and permission of the steward(s). All drivers must be changed by scratch time. When a nominator starts two or more horses, the stewards shall approve or disapprove the second and third drivers.

9.6(19) Starting.

a. With starting gate.

(1) Starter's control. The starter shall have control of the horses from the formation of the parade until giving the word "go."

(2) Scoring. After one or two preliminary warming up scores, the starter shall notify the drivers to fasten their helmets and come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.

(3) Starting gate. The horses shall be brought to the starting gate as near to one-quarter of a mile before the start as the facility will permit.

(4) Speed of gate. Allowing sufficient time so that the speed of the gate can be increased gradually, the following minimum speeds will be maintained.

1. For the first one-eighth mile, not less than 11 miles per hour.
2. For the next one-sixteenth of a mile, not less than 18 miles per hour.
3. From the above point to the starting point, the speed will be increased gradually to maximum speed.

(5) On mile tracks, horses will be brought to the starting gate at the head of the stretch, and the relative speeds stated in subparagraph (4) of this subrule will be maintained.

(6) The starting point will be a point on the inside rail a distance of not less than 200 feet from the first turn. The starter shall give the word “go” at the starting point.

(7) When a speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.

(8) Recall notice. In case of a recall, a light plainly visible to the drivers shall be flashed and a recall sounded, and whenever possible the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, the starter shall use discretion to close the wings of the gate.

(9) There shall be no recall after the word “go” has been given and any horse, regardless of position or an accident, shall be deemed a starter from the time entered into the starter’s control unless dismissed by the starter.

(10) Breaking horse. The starter shall endeavor to get all horses away in position and on gait but there shall be no recall for a breaking horse.

(11) Reason for recall. The starter may sound a recall only for the following reasons:

1. A horse scores ahead of the gate.
2. There is interference.
3. A horse has broken equipment.
4. A horse falls before the word “go” is given.
5. A starting gate malfunctions.

(12) Riding in gate. No person(s) shall be allowed to ride in the starting gate except the starter, driver or operator, and a patrol judge unless permission has been granted by the stewards.

(13) Loudspeaker. Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

b. Holding horses before start. Horses may be held on the backstretch not to exceed two minutes awaiting post time, except when delayed by an emergency.

c. Two tiers. In the event there are two tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is withdrawn from any tier, horses on the outside shall move in to fill up the vacancy.

d. Starters. The horses shall be deemed to have started when the word “go” is given by the starter and all the horses must go the course except in case of an accident, broken equipment, or any other reason in which the stewards determine that it is impossible to go the course.

e. Unmanageable horse.

(1) If, in the opinion of the stewards or the starter, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it may be sent to the barn. When this action is taken, the stewards will notify the public.

(2) A horse shall be considered unmanageable if it causes more than one recall in the same dash or heat and the horse shall be excused by the starter.

f. Post positions; heat racing. The horse winning the first heat shall take the pole (or inside position) in the succeeding heat, unless otherwise specified in the published conditions, and all others shall take their positions in the order they were placed in the last heat. When two or more horses have made a dead heat, their positions shall be settled by lot.

9.6(20) *Racing and track.*

a. Although a leading horse is entitled to any part of the track, except after selecting its position in the home stretch, neither the driver of the first horse nor any other driver in the race shall do any of the following:

(1) Change either to the right or left during any part of the race when another horse is so near that altering its position compels the horse behind to shorten its stride or causes the driver of the other horse to pull out of its stride.

(2) Jostle, strike, hook wheels, or interfere with another horse or driver.

(3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.

(4) Swerve in and out or pull up quickly.

(5) Crowd a horse or driver by "putting a wheel under them."

(6) "Carry a horse out" or "sit down in front" of a horse or take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses.

(7) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.

(8) Lay off a normal pace and leave a hole when it is well within the horse's capacity to keep the hole closed.

(9) Commit any act which shall impede the progress of another horse or cause it to "break."

(10) Change course after selecting a position in the home stretch, swerve in or out, or bear in or out to interfere with another horse or cause it to change course or take back.

(11) Drive in a careless or reckless manner.

(12) Whip under the arch of the sulky.

(13) Kick the horse.

(14) Fail to set or maintain a pace comparable to the class in which the driver is racing by going an excessively slow quarter or any other distance that changes the normal pattern, overall timing, or general outcome of the race.

(15) Cross the inside limits of the course.

b. Complaints—reports of interference.

(1) Complaints. All complaints by drivers of any foul driving or other misconduct during the heat must be made to the starter at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of the rules must, before dismounting, indicate to the starter the desire to enter the claim or complaint and, upon dismounting, shall proceed to the telephone or stewards' stand where the claim, objection, or complaint shall be immediately entered. The stewards shall not cause the official sign to be displayed until the claim, objection, or complaint has been entered and considered.

(2) Report of interference. It is the duty of every driver to report to the official designated for that purpose, as promptly as possible after the conclusion of a race in which the driver has participated, any material interference to the driver or the horse by another horse or driver during a race.

c. If any of the above violations are committed by a person driving a horse coupled as an entry in the betting, the stewards shall set the offending horse back. The horse coupled in the entry with the offending horse shall also be set back if the stewards find that it improved its finishing position as a direct result of the offense committed by the offending horse.

d. In the case of interference, collision, or violation of any of the above restrictions, whether occurring before or after the start, the offending horse may be placed back one or more positions in that heat or dash and, in the event the collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings; and the driver may be subject to discipline. In the event a horse is set back, it must be placed behind the horse with whom it interfered.

e. Unsatisfactory drive—fraud. Every heat in a race must be contested by every horse in the race and every horse must be driven to the finish. If the stewards believe that a horse is being driven or has been driven to prevent winning a heat or dash which it was evidently able to win, in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver and anyone in concert with the driver to so affect the outcome of the race(s) may be subject to disciplinary action. The stewards may substitute a competent and reliable driver at any time. The substitute driver shall be paid at the discretion of the stewards and the fee shall be retained from the purse money due the horse, if any.

In the event a drive is unsatisfactory due to lack of effort or carelessness, and the stewards believe that there is no fraud, gross carelessness, or a deliberate inconsistent drive, they shall impose a penalty.

f. If, in the opinion of the stewards, a driver is for any reason unfit or incompetent to drive, refuses to comply with the directions of the stewards, or is reckless in conduct and endangers the safety of horses or other drivers in the race, the driver may be removed and another driver substituted at any time after the positions have been assigned in a race, and the offending driver shall be subject to discipline. The substitute driver shall be properly compensated.

g. If, for any cause other than being interfered with or broken equipment, a horse fails to finish after starting in a heat, that horse shall be ruled out.

h. Loud shouting or other improper conduct is forbidden in a race. After the starting gate is in motion, both feet must be kept in the stirrups until after the finish of the race, except that a driver shall be allowed to remove a foot from the stirrups temporarily for the purpose of pulling earplugs.

i. Drivers will be allowed whips not to exceed three feet nine inches, plus a snapper not longer than six inches. Provided further that the following actions may be considered as excessive or indiscriminate use of the whip:

- (1) Causing visible injury to a horse.
- (2) Whipping a horse after a race.

j. A driver using any goading device, chain, or mechanical devices or appliances, other than the ordinary whip or crop, upon any horse in any race shall be subject to discipline.

k. The brutal, excessive, or indiscriminate use of the whip or crop shall be considered a violation. A driver may use a whip only in the conventional manner. Welts, cuts, or whip marks on a horse resulting from whipping shall constitute a violation of this subrule. Drivers are prohibited from punching or jabbing a horse, or using the whip so as to interfere with or cause disturbance to any other horse or driver in a race.

l. No horse shall wear hobbles in a race unless it starts with the hobbles in the first heat and, having so started, it shall continue to wear them to the finish of the race. Any person found guilty of removing or altering a horse's hobbles during a race, or between races, for the purpose of fraud, shall be suspended or expelled. Any horse habitually wearing hobbles shall not be permitted to start in a race without them except by permission of the stewards. Any horse habitually racing free-legged shall not be permitted to wear hobbles in a race except with the permission of the stewards. No horse shall be permitted to wear a head pole protruding beyond its nose.

m. Breaking.

(1) When any horse breaks from its gait in trotting or pacing, its driver shall at once, where clearance exists, take such horse to the outside and pull it to its gait.

(2) The following shall be considered violations of subparagraph 9.6(20) "m"(1):

1. Failure to properly attempt to pull the horse to its gait.
2. Failure to take to the outside where clearance exists.
3. Failure to lose ground by the break.

(3) Any breaking horse shall be set back when a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

(4) Any horse making a break which causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of the breaking horse in complying with subparagraph 9.6(20) "m"(2) above, no fine or suspension shall be imposed on the driver as a consequence of the interference.

(5) The stewards may set any horse back one or more places if, in their judgment, any of the above violations have been committed.

If, in the opinion of the stewards, a driver allows the horse to break for the purpose of fraudulently losing a heat, then the driver shall be subject to the penalties elsewhere provided for fraud and fouls.

To assist in determining the matters contained in paragraphs 9.6(20) "m" and 9.6(20) "n," it shall be the duty of one of the stewards to call out every break made, and the clerk shall at once note the break and character of it in writing.

n. The time between separate heats of a single race shall be no less than 40 minutes. The time between the heats shall not exceed one hour and 30 minutes. No heat shall be called after sunset when the track is not lighted for night racing.

o. Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the track at once, unless permitted to remain by the stewards.

p. In the case of accidents, only so much time shall be allowed as the stewards may deem necessary and proper.

q. A driver must be mounted in the sulky at the finish of the race or the horse must be placed as not finishing.

r. It shall be the responsibility of the owner and trainer to provide every sulky used in a race with unicolored or colorless wheel discs on the inside and outside of the wheel of a type approved by the commission. In their discretion, the stewards may order the use of mudguards at pari-mutuel tracks.

s. Sulky. Only sulkies of the conventional dual-shaft and dual-hitch type shall be permitted to be used in any races. A conventional-type sulky is one having two shafts that must be parallel to and securely hitched on each side of the horse. No point of hitch or any part of a shaft shall be above a horizontal level equal to the lowest point of the horse's back.

t. Excessive or unnecessary conversation between and among drivers while on the racetrack during the time when colors are required is prohibited.

u. If, at any racetrack which does not have a continuous solid inside hub rail, a horse or part of the horse sulky leaves the course by going inside the hub rail or other demarcation which constitutes the inside limits of the course, the offending horse shall be placed back one or more positions where, in the opinion of the stewards, the action gave the horse an unfair advantage over other horses in the race, or the action helped the horse improve its position in the race. In addition, when an act of interference causes a horse or part of the horse's sulky to cross the inside limits of the course, and the horse is placed by the judges, the offending horse shall be placed behind the horse with which it interfered.

9.6(21) Protests.

a. Protests may be made only by an owner, manager, trainer, or driver of one of the contending horses at any time before the winnings are paid over and shall be in writing, sworn to, and contain at least one specific charge, which, if true, would prevent the horse from winning or competing in the race.

b. The stewards shall in every case of protest demand that the driver, and the owner or owners if present, immediately testify under oath and, in case of their refusal to do so, the horse shall not be allowed to start or continue in the race, but shall be ruled out, with a forfeit of entrance money.

c. Unless the stewards find satisfactory evidence to warrant excluding the horse, they shall allow the horse to start or continue in the race under protest, and the premium, if any, won by that horse shall be forthwith transmitted to the commission to allow the parties interested an opportunity to sustain the allegation of the protest or furnish information which will warrant an investigation of the matter. When no action is taken to sustain the protest within 30 days, payment may be made as if such protest had not been filed.

d. Any person found guilty of protesting a horse falsely and without cause, or merely with intent to embarrass a race, shall be subject to discipline.

e. Nothing here contained shall affect the distribution of pari-mutuel pools when the distribution is made upon the official placing at the conclusion of the heat or dash.

f. In case of an appeal or protest, the purse money affected will be deposited with the commission in trust funds pending the decision of the appeal.

9.6(22) Timing and records.

a. *Timing races.* In every race, the time of each heat shall be accurately taken by three timers or an approved electric timing device, in which case there shall be one timer; placed in the record in minutes, seconds, and fifths of seconds; and, upon the decision of each heat, the time shall be publicly announced or posted. No unofficial timing shall be announced or admitted to the record and, when the timers fail to act, no time shall be announced or recorded for that heat.

b. *Error in reported time.* In any case of alleged error in the record, announcement, or publication of the time made by a horse, the time so questioned shall not be changed to favor the horse or owner, except upon the sworn statement of the stewards and timers who officiated in the race.

c. *Time, where lapped on.* The leading horse shall be timed and that time only shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse's actual race time can be determined by photo finish or electronic timing.

d. *Time for dead heat.* In case of a dead heat, the time shall constitute a record for the horses making a dead heat and both shall be considered winners.

e. *Timing procedure.* The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line. The time of the leading horse at the quarter, half, three-quarters and the finish shall be taken.

f. *Fraudulent misrepresentation.* Any person guilty of fraudulent misrepresentation of time or the alteration of the record in any public race shall be fined, suspended, or expelled, and the time declared not a record.

9.6(23) Post time; entry number.

a. *Post time.* A delay in the first post of not more than ten minutes from the established post time may be taken without prior approval of the commission or stewards.

b. *Heat number and saddle pads.* Each competing horse shall be equipped with numbers of style, type, and design approved by the commission or its representatives. Numbers shall be so arranged that coupled entries may be distinguished.

9.6(24) Paddock. The paddock or receiving barn must be completely enclosed with a secure fence and each opening through the fence shall be policed by a person or persons licensed by this commission so as to exclude unauthorized personnel. A daily record of all persons entering or leaving the paddock from one hour prior to post time until all races of that program have been completed shall be maintained on forms approved by the commission.

9.6(25) Other facility conditions.

a. *Default in payment of purses.* Any facility that defaults in the payment of a premium that has been raced for shall stand suspended, together with its officers.

b. If, at a meeting of a facility, a race is contested which has been promoted by another party or parties, and the promoters default in the payment of the amount raced for, the same liability shall attach to the facility as if the race had been offered by it.

c. *Removal of horses from facility premises.* No horse shall be ordered off the premises without at least 72 hours' notice (excluding Sunday) to the person in charge of the horse.

491—9.7(99D) Medication and administration, sample collection, chemists, and practicing veterinarian.**9.7(1) Medication and administration.**

a. No horse, while participating in a race, shall carry in its body any medication, drug, foreign substance, or metabolic derivative thereof, which is a narcotic or which could serve as a local anesthetic or tranquilizer or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse, thereby affecting its speed.

b. Also prohibited are any drugs or foreign substances that might mask or screen the presence of the prohibited drugs, or prevent or delay testing procedures.

c. Proof of detection by the commission chemist of the presence of a medication, drug, foreign substance, or metabolic derivative thereof, prohibited by paragraph 9.7(1)“a” or “b” in a saliva, urine, or blood sample duly taken under the supervision of the commission veterinarian from a horse immediately prior to or promptly after running in a race shall be prima facie evidence that the horse was administered, with the intent that it would carry or that it did carry in its body while running in a race, prohibited medication, drug, or foreign substance in violation of this rule.

d. Administration or possession of drugs.

(1) No person shall administer, cause to be administered, participate or attempt to participate in any way in the administration of any medication, drug, foreign substance, or treatment by any route to a horse registered for racing on the day of the race for which the horse is entered prior to the race.

(2) No person except a veterinarian shall have in the person’s possession any prescription drug. However, a person may possess a noninjectable prescription drug for animal use if:

1. The person actually possesses, within the racetrack enclosure, documentary evidence that a prescription has been issued to said person for such a prescription drug.

2. The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug.

3. The horse or horses named in the prescription are in said person’s care within the racetrack enclosure.

(3) No veterinarian or any other person shall have in their possession or administer to any horse within any racetrack enclosure any chemical substance which:

1. Has not been approved for use on equines by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq., and implementing regulations, without the prior written approval from a commission veterinarian, after consulting with the stewards.

2. Is on any of the schedules of controlled substances as prepared by the Attorney General of the United States pursuant to 21 U.S.C. Sections 811 and 812, without the prior written approval from a commission veterinarian after consultation with the stewards. The commission veterinarian shall not give such approval unless the person seeking the approval can produce evidence in recognized veterinary journals or by recognized equine experts that such chemical substance has a beneficial therapeutic use in horses.

(4) No veterinarian or any other person shall dispense, sell, or furnish to any person any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route within the premises of the facility unless there is a label specifying the name of the substance dispensed, the name of the dispensing person, the name of the horse or horses for which the substance is dispensed, the purpose for which said substance is dispensed, the dispensing veterinarian’s recommendations for withdrawal before racing (if applicable), and the name of the person to which dispensed, or is otherwise labeled as required by law.

(5) No person shall have in the person’s possession or in areas under said person’s responsibility on facility premises any feed supplement, tonic, veterinary preparation, medication, or any substance that can be administered or applied to a horse by any route unless it complies with the labeling requirements in 9.7(1)“d”(4).

e. Any person found to have administered or caused, participated in, or attempted to participate in any way in the administration of a medication, drug, or foreign substance that caused or could have caused a violation of this rule, shall be subject to disciplinary action.

f. The owner, trainer, groom, or any other person having charge, custody, or care of the horse is obligated to protect the horse properly and guard it against the administration or attempted administration of a substance in violation of this rule. If the stewards find that any person has failed to show proper protection and guarding of the horse, or if the stewards find that any owner, lessee, or trainer is guilty of negligence, they shall impose discipline and take other action they deem proper under any of the rules including referral to the commission.

g. In order for a horse to be placed on the bleeder list in Iowa through reciprocity, that horse must be certified as a bleeder in another state or jurisdiction. A certified bleeder is a horse that has raced with furosemide in another state or jurisdiction in compliance with the laws governing furosemide in that state or jurisdiction.

9.7(2) Sample collection.

a. Urine, blood, and other specimens shall be taken and tested from any horse that the stewards, commission veterinarian, or the commission's representatives may designate. The samples shall be collected by the commission veterinarian or other person or persons the commission may designate. Each sample shall be marked or numbered and bear information essential to its proper analysis; but the identity of the horse from which the sample was taken or the identity of its owners or trainer shall not be revealed to the official chemist or the staff of the chemist. The container of each sample shall be sealed as soon as the sample is placed therein.

b. A facility shall have a detention barn under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings, and facilities including refrigeration and hot and cold running water must be approved by the commission. A security guard, approved by the commission, must be in attendance at each access to the detention barn during the hours designated by the commission.

c. No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of horses pending the obtaining of body fluid samples.

d. During the taking of samples from a horse, the owner, responsible trainer, or a representative designated by the owner or trainer may be present and witness the taking of the sample and so signify in writing. Failure to be present and witness the collection of the samples constitutes a waiver by the owner, trainer, or representative of any objections to the source and documentation of the sample.

e. The commission veterinarian, the stewards, agents of the division of criminal investigation, or commission representative may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a horse in a race, which may be found in barns or elsewhere on facility premises or in the possession of any person connected with racing, and the same shall be delivered to the official chemist for analysis.

f. Nothing in these rules shall be construed to prevent:

(1) Any horse in any race from being subjected by the order of a steward or the commission veterinarian to tests of body fluid samples for the purpose of determining the presence of any foreign substance.

(2) The state steward or the commission veterinarian from authorizing the splitting of any sample.

(3) The commission or commission veterinarian from requiring body fluid samples to be stored in a frozen state for future analysis.

g. Before leaving the racing surface, the trainer shall ascertain the testing status of the horse under the trainer's care from the commission veterinarian or designated detention barn representative.

9.7(3) Chemists.

a. Tests are to be under the supervision of the commission which shall employ one or more chemists or contract with one or more qualified chemical laboratories to determine by chemical testing and analysis of body fluid samples whether a foreign substance, medication, drug, or metabolic derivative thereof is present.

b. All body fluid samples taken by or under direction of the commission veterinarian or commission representative shall be delivered to the laboratory of the official chemist for analysis.

c. The commission chemist shall be responsible for safeguarding and testing each sample delivered to the laboratory by the commission veterinarian.

d. The commission chemist shall conduct individual tests on each sample, screening the samples for prohibited substances, and conducting other tests to detect and identify any suspected prohibited substance or metabolic derivative thereof with specificity. Pooling of samples shall be permitted only with the knowledge and approval of the commission.

e. Upon the finding of a test negative for prohibited substances, the remaining portions of the sample may be discarded. Upon the finding of tests suspicious or positive for prohibited substances, the tests shall be reconfirmed, and the remaining portion, if available, of the sample preserved and protected for two years following close of the meet.

f. The commission chemist shall submit to the commission a written report as to each sample tested, indicating by sample tag identification number, whether the sample tested negative or positive for prohibited substances. The commission chemist shall report test findings to no person other than the administrator or commission representative, with the exception of notifying the state stewards of all positive tests.

g. In the event the commission chemist should find a sample suspicious for a prohibited medication, additional time for test analysis and confirmation may be requested.

h. In reporting to the state steward a finding of a test positive for a prohibited substance, the commission chemist shall present documentary or demonstrative evidence acceptable in the scientific community and admissible in court in support of the professional opinion as to the positive finding.

i. No action shall be taken by the state steward until an official report signed by the chemist properly identifying the medication, drug, or other substance as well as the horse from which the sample was taken has been received.

j. The cost of the testing and analysis shall be paid by the commission to the official chemist. The commission shall then be reimbursed by each facility on a per-sample basis so that each facility shall bear only its proportion of the total cost of testing and analysis. The commission may first receive payment from funds provided in Iowa Code chapter 99D, if available.

9.7(4) Practicing veterinarian.

a. Prohibited acts.

(1) Ownership. A licensed veterinarian practicing at any meeting is prohibited from possessing any ownership, directly or indirectly, in any racing animal racing during the meeting.

(2) Wagering. Veterinarians licensed by the commission as veterinarians are prohibited from placing any wager of money or other thing of value directly or indirectly on the outcome of any race conducted at the meeting at which the veterinarian is furnishing professional service.

(3) Prohibition of furnishing injectable materials. No veterinarian shall within the facility premises furnish, sell, or loan any hypodermic syringe, needle, or other injection device, or any drug, narcotic, or prohibited substance to any other person unless with written permission of the stewards.

b. The use of other than single-use disposable syringes and infusion tubes on facility premises is prohibited. Whenever a veterinarian has used a hypodermic needle or syringe the veterinarian shall destroy the needle and syringe and remove the needle and syringe from the facility premises.

c. Veterinarians must submit daily to the commission veterinarian on a prescribed form a report of all medications and other substances which the veterinarian prescribed, administered, or dispensed for racing animals registered at the current race meeting as provided in Iowa Code section 99D.25(10). Reports shall be submitted in a manner and at a time determined by the commission veterinarian not later than the day following the treatments being reported. Reports shall include the racing animal, trainer, medication or other substance, dosage or quantity, route of administration, date and time administered, dispensed, or prescribed.

d. Within 20 minutes following the administration of furosemide, the veterinarian must deliver to the commission veterinarian or commission representative a signed affidavit certifying information regarding the treatment of the horse. The statement must include, at a minimum, the name of the practicing veterinarian, the tattoo number or freeze brand number of the horse, the location of the barn and stall where the treatment occurred, the race number of the horse, the name of the trainer, and the time that the furosemide was administered. This affidavit must be signed by the trainer or trainer's designee who witnessed the administration of furosemide. The veterinarian shall not administer the furosemide if a witness is not present. Furosemide shall only be administered in a dose level of 250 milligrams.

e. Each veterinarian shall report immediately to the commission veterinarian any illness presenting unusual or unknown symptoms in a racing animal entrusted into the veterinarian's care.

f. Practicing veterinarians may have employees licensed as veterinary assistants working under their direct supervision. Activities of these employees shall not include direct treatment or diagnosis of any animal. The practicing veterinarian must be present if a veterinary assistant is to have access to injection devices or injectables. The practicing veterinarian shall assume all responsibility for a veterinary assistant.

g. Equine dentistry is considered a function of veterinary practice by the Iowa veterinary practice Act. Any dental procedures performed at the facility must be performed by a licensed veterinarian or a licensed veterinary assistant.

These rules are intended to implement Iowa Code chapter 99D.

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